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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/058,360

Filing Date: January 28, 2002

Appellant(s): BRANDT ET AL.

Brandt et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/31/2006 appealing from the Office action mailed 1/03/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,789,962	Berry et al.	12-1988
5,715,415	Dazey et al.	2-1998

Deken "The Early World Wide Web at SLAC: Documentation of the Early Web at SLAC"
1991

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 5, 6, 8, 10, 14, 15, 18, 19, 20, 21, 24, 25, 26, 27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deken ("The Early World Wide Web at SLAC") in view of Berry et al. (US 4789962).

In regards to claim 1, Deken teaches a computer with a data storage device including a computer usable medium having computer usable code to present a help window for a web page displayed on a monitor, the computer usable code comprising: first computer readable code to present a web page window on the monitor, wherein the web page window includes a web page obtained from a server (See Pages 1-3, "Default.html" and "Binlist.html"); second computer readable code to receive a help request from a user for the web page ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2). Deken further teaches a third computer readable code to allocate a portion of the monitor for a help window in response to the help request ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2); and fourth computer readable code to present information to the user in the help window pertaining to the web page, wherein the information includes user- readable instructions that describe how to accomplish functions in the web page ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2).

Deken does not specifically teach two distinct windows, one for help and one for the web page. Berry teaches, "the instant invention is concerned with displaying called help in a window on the same screen where help is required, and in a manner to least interfere with the other information on the screen. More specifically, the instant invention is to position the window adjacent an operating point at which help is called and to display help information in the window related to the point" (Column 1, Line 39).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deken and include a second window to show help on the same screen at the same time with the motivation to provide the user contextual help which is both relational and positional.

In regards to claim 2, Deken and Berry teach all the limitations of claim 1. They further teach that the help window is displayed simultaneously on the monitor with at least a portion of the web page ("the instant invention is concerned with displaying called help in a window on the same screen where help is required, and in a manner to least interfere with the other information on the screen. More specifically, the instant invention is to position the window adjacent an operating point at which help is called and to display help information in the window related to the point" Berry, Column 1, Line 39).

In regards to claim 5, Deken and Berry do not explicitly teach that third and fourth computer readable code means are obtained from the server. However, it is inherent in Deken that a web page help function will be obtained from the server.

In regards to claim 6, Deken and Berry do not explicitly teach that the information in the help window is obtained by the computer in a file from the server. However, it is inherent in Deken that the information in the help window is obtained by the computer in a file from the server.

Claim 8 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 10 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 14 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 15 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 18 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claim 19 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 20, Deken and Berry teach a computer program device wherein the program is further to cause the digital processing apparatus to present the help window in response to a user-generated help signal ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2).

Claim 21 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 24 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 25 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 26, Deken and Berry teach a computer further comprising fifth computer readable code to request a help web page from the server in response to the help signal, wherein the help web page includes the help information ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2).

Claim 27 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 28, Deken and Berry teaches a method wherein the application comprises a web browser (See Pages 1 and 2); and wherein the application window comprises a web page obtained from the internet sever (See Pages 1 and 2, it is inherent in Denken that the pages are from a server).

In regards to claim 29, Deken and Berry teach a method wherein the help window comprises a web browser (See Pages 1 and 2), and wherein the help information comprises a web page containing user-readable instructions that describe how to accomplish functions in the application (See Pages 1 and 2).

Claims 3, 4, 7, 11, 12, 13, 16, 17, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deken in view of Berry et al. (US 4789962) further in view of Dazey et al. (US 5715415).

In regards to claim 3, Deken and Berry teach all the limitations of claim 1. They do not teach that the help window further includes a help frame and a table of contents frame contiguous to the help frame. Dazey teaches that the help window further

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includes a help frame and a table of contents frame contiguous to the help frame (Figure 6, Element 92). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deken and Berry with the teachings of Dazey and include a help frame and a table of contents frame with the motivation to provide the user with a convenient method of accessing help information.

In regards to claim 4, Deken, Berry and Dazey teach all the limitations of claim 3. Deken, Berry and Dazey further teach a navigation frame contiguous to at least one of the table of contents frame and the help frame (Dazey, Figure 6, Element 92).

In regards to claim 7, Deken and Berry teach all the limitations of claim 5. Deken and Berry do not teach a table of contents frame that presents hypertext help files pertaining to the web page. Dazey teaches, "the help pane 70 is expanded to provide an index area 92 which shows the index to the help content. This index allows the user to easily switch to other related help topics." (Column 6, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deken and Berry with the teachings of Dazey and include links to help topics with the motivation to allow the user to quickly switch to different help topics.

Claim 11 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 12 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 13 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 16 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 17 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 22 is in the same context as claim 3; therefore it is rejected under similar rationale.

In regards to claim 23, Deken and Berry teach all the limitations of claim 22. Deken and Berry do not teach a computer program device wherein the program is further to cause the digital processing apparatus to present in the help window a navigation frame contiguous to at least one of the table of contents frame and the help frame, the table of contents frame presenting hypertext links to hypertext files pertaining to the web page. Dazey teaches a navigation frame contiguous to at least one of the table of contents frame and the help frame (Figure 6, Element 92). Dazey further teaches, "the help pane 70 is expanded to provide an index area 92 which shows the index to the help content. This index allows the user to easily switch to other related help topics." (Column 6, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deken and Berry with the teachings of Dazey and include a navigation frame and hypertext links with the motivation to provide the user a convenient way to access different help topics.

(10) Response to Argument

The Applicant argues that Deken does not teach utilizing multiple windows (See Page 16). The Examiner does not dispute the fact that Deken does not teach utilizing

multiple windows. The Applicant proceeds to argue that Berry does not teach providing help information about the content manipulated by / displayed in the fat-client application, and therefore the applicant concludes that the secondary reference does not teach “[presenting the] help information in the help window, the help information pertaining to the web page, wherein the information in the help window includes instructions that describe how to accomplish functions in the web page” (Page 16). It appears that the Applicant is attacking the references individually. The Applicant concedes that Deken teaches instructions for performing a task in the SPIRES web system (Page 16, first paragraph). The Examiner acknowledges that Deken lacks multiple windows displayed at one time. That is why the Examiner relies on the Berry reference for this teaching. It is the combination of the two references that are used to reject the Applicant’s claims.

In response to applicant's argument that there is no suggestion to combine the references (See page 17, First Paragraph), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Berry presents a clear motivation by indicating that his invention “displays called help window in a window on the same screen where help is required, and in a manner to least interfere with the other information on the screen ...

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[therefore] avoid[ing] blocking pertinent information from view during display of help”

(Column 1, Lines 40-51).

In regards to the Applicant's argument that Dazey teaches away, the Examiner respectfully disagrees. Dazey is solely relied upon to teach a table of contents. There is no suggestion in Dazey that a table of contents would be an ineffective implementation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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